

REMARKS

This Amendment is submitted prior to continued examination of the present application and in response to the official action dated May 27, 2009. Claims 1-23 were pending in the application. In the official action, claims 1-23 were rejected. In this Amendment, claims 1, 5, 16, 17, and 19-23 have been amended. Claims 1-23 thus remain for consideration.

Applicant submits that claims 1-23 are in condition for allowance and requests withdrawal of the rejections in light of the following remarks.

§103 Rejections

Claims 1-13, 15-17, and 19-23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Salonidis et al. (U.S. Patent No. 6,865,371) in view of Kiesler et al. (U.S. Patent No. 2,292,387).

Claims 14 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Salonidis in view of Kiesler and further in view of Gehrman (<http://grouper.ieee.org>).

Claims 1-13, 15-17, and 19-23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Salonidis et al. (U.S. Patent No. 6,865,371) in view of Erola et al. (U.S. Patent Publication No. 2004/0179545).

Claims 14 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Salonidis in view of Erola and further in view of Gehrman (<http://grouper.ieee.org>).

Applicant submits that the independent claims (claims 1, 5, 16, 17, and 19-23) are patentable over Salonidis, Kiesler, Erola and Gehrman (collectively "the cited references").

Applicant's invention as recited in the independent claims is directed toward data communication. Claim 1 recites that "a data communication path between any two [] communication

apparatuses is established when the timing of a user performing a manual operation on one of the two apparatuses or on a peripheral device associated with said one of the two apparatuses corresponds to the timing of a user performing a manual operation on the other of the two apparatuses or on a peripheral device associated with said other of the two apparatuses." The claim further recites that "the manual operation compris[es] operating a key or button that is assigned the function of establishing the communication path and at least one other function." (Emphasis supplied.) Claims 5, 16, 17, and 19-23 include similar recitations. Supporting disclosure for the emphasized recitation can be found in the specification at, for example, page 34, line 26 - page 35, line 7.

None of the cited references discloses the emphasized recitation. Accordingly, Applicant believes that claims 1, 5, 16, 17, and 19-23 are patentable over the cited references - taken either individually or in combination - on at least this basis.

Further, since dependent claims inherit the limitations of their respective base claims, Applicant believes that dependent claims 2-4, 6-15, and 18 are patentable over the cited references for at least the same reasons as discussed in connection with the independent claims.

Applicant respectfully submits that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited. If any issues remain, or if the Examiner has any further suggestions, he/she is invited to telephone the undersigned at (908) 654-5000.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 12-1095.

The Examiner's consideration of this matter is gratefully acknowledged.

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Respectfully submitted,

By 
Bruno Polito

Registration No.: 38,580
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicant

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